

How to

File for an Agreed Minor Guardianship (when the child is 12 or older)

WARNINGS!

- Use this instruction if:
 - The child is 12 years of age or older, AND
 - **All** parties are in agreement.
- Do NOT use these instructions if you are seeking an order for a temporary emergency guardian. See *Emergency Guardianship* instruction.
- If final documents are not signed by a judge within 90 days of the case being filed, the court will review the case for activity. The court may dismiss your case and fine you \$50 if there is no activity.
- Due to COVID-19, all hearings are being done by phone or video and some offices are providing only remote services. You should consult the King County Superior Court and the Ex Parte Department webpages for the most up to date information:
<https://www.kingcounty.gov/courts/superior-court.aspx>
<https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx>.
- The minor guardianship statute is new and may change. If you have comments or feedback on these instructions, please send them to facilitators@kingcounty.gov.

Talk to a lawyer, if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They are not intended to be a substitute for legal advice. They provide only legal *information*. It's a good idea to talk to a lawyer before you file any forms.

If you **cannot** afford a lawyer, you can:

- Get a list of low-cost and free legal resources.
<https://kingcounty.gov/~//media/courts/superior-court/docs/family/facilitator/family-law-resources.ashx?la=en>
- Get help from the Family Law Facilitators office. You can get information about their services at <https://kingcounty.gov/courts/superior-court/family/facilitator.aspx>.

Step 1: Fill out these forms.

All of these forms can be downloaded at: www.courts.wa.gov/forms/

Form Name	Form Number	Notes	Completed
Confidential Information Sheet	GDN M 410		<input type="checkbox"/>
Summons	GDN M 001		<input type="checkbox"/>
Minor Guardianship Petition	GDN M 102		<input type="checkbox"/>
Declaration Explaining Reasons for Minor Guardianship	GDN M 103	Explain the reasons for why the court should grant the minor guardianship	<input type="checkbox"/>
Parent's Consent to Minor Guardianship	GDN M 304	One for each legal parent	<input type="checkbox"/>
Residential Schedule	GDN M 104	Fill this out the way that you would like the court to decide	<input type="checkbox"/>
Notice of Hearing about a Minor Guardianship Petition	GDN M 101	See Step 4 for information on filling in the hearing date in this form.	<input type="checkbox"/>
Motion for DCYF Order and Order to DCYF to Release CPS Information	GDN M 404 and GDN M 405		<input type="checkbox"/>

If you do not want to serve the declaration on the minor, use these forms to ask for permission not to serve the *Declaration Explaining Reasons for Minor Guardianship* on the minor:

Motion to Withhold Certain Documents from the Minor	GDN M 106		<input type="checkbox"/>
Order on Motion to Withhold	GDN M 107	Fill this out the way you would like the court to decide	<input type="checkbox"/>

These forms can be downloaded at: <http://www.kingcounty.gov/courts/clerk/forms.aspx>

Form Name	Form Number	Notes	Completed
Case Assignment Area Form & Case Index Cover Sheets			<input type="checkbox"/>
Sixty Day Hearing Checklist		Complete and file at least two weeks before your 60 day hearing	<input type="checkbox"/>

Fill out these forms if the child is – or might be – a member of an Indian tribe:

Form Name	Form Number	Notes	Completed
Indian Child Welfare Act Notice	GDN M 401	If the child is, or may be, a member of an Indian tribe, send this <i>Notice</i> to the Department of the Interior, Bureau of Indian Affairs	<input type="checkbox"/>
Proof of Mailing (Indian Child Welfare Act Notice)	GDN M 403		<input type="checkbox"/>
ICWA Notice-Attachment for Additional Child	GDN M 402	If there is more than one child who may be a member of an Indian tribe involved in the Non-Parent case, use this form for any additional children.	<input type="checkbox"/>

If you are asking for child support, you need to fill out these forms:

Form Name	Form Number	Notes	Completed
Child Support Worksheets	WSCSS-Worksheets	Online Child Support Calculation software is available at: https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator	<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to calculate Child Support Worksheets.		<input type="checkbox"/>
Child Support Order	FL All Family 130	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>

Step 2: **Make copies.**

What documents do I need to copy to serve on the other parties?

- *Summons*
- *Petition for Minor Guardianship*
- *Declaration Explaining Reasons for Minor Guardianship* (note: you do not need to serve this on the child if the court approves an *Order on Motion to Withhold*.)

How many copies?

- **Original** set to file with the Clerk's Office
- **Copy 1** for your personal records. These copies are not limited to the three listed above.
- **Other Copies** – you must make a copy for each party listed in the *Notice of Hearing About Minor Guardianship Attachment*. This includes:
 - each parent
 - any person with court-ordered custody or guardianship
 - the child (if they are 12 or older)
 - anyone who had custody of the child at least 60 days in the last two years
 - the child's grandparents
 - any adult siblings of the child
 - the child's conservator
 - the proposed guardian requested by either parent or the child.

Step 3: **Start (file) your case.**

A. The Clerk may ask you to pay a filing fee.

If your petition is asking to appoint a relative of the child as a guardian, the Clerk's Office will automatically waive the filing fee.

If you cannot afford to pay the fee, apply to waive the fee. The application is here:

- For Kent:
<http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-kent.ashx?la=en>

- For Seattle:
<http://www.kingcounty.gov/~media/courts/Clerk/forms/waive-ff-inst-sea.ashx?la=en>

The instructions about how to get a fee waiver approved during COVID-19 here:

<https://www.kingcounty.gov/~media/courts/Clerk/docs/misc/Updated-Instructions-for-Ex-Parte-via-the-Clerk-Fee-Waiver.ashx?la=en>

B. File your documents.

You can start (file), your case by either bringing your original forms to the Clerk's Office (room 2C in Kent and E-609 in Seattle),

OR

You can file your case online on the Clerk's website at:

<https://www.kingcounty.gov/court/clerk/documents/efiling.aspx>. If you have questions about e-filing call 206-477-3000, or email eServices@kingcounty.gov.

DO NOT FILE the *Notice of Hearing about a Minor Guardianship Petition*. You will need to fill in the hearing date before filing and serving this on the other parties. See Step 4.

C. Present your motions.

To have the court consider your *Motion and Order Directing DCFS/CPS to Release Information* and *Motion to Withhold Certain Documents from the Minor* you must submit them through the Clerk's Office, Ex Parte via the Clerk. Unless your filing fees were waived, you must pay a fee.

You can do this in person, online, or via mail. See the website for more information:

<https://www.kingcounty.gov/courts/clerk/documents/ExParte.aspx>.

The Clerk's office will present your motion(s) to a judicial officer on your behalf.

After the order is signed the Clerk will automatically file the original and return a copy of the order to you via the method you requested.

Step 4: Complete the *Notice of Hearing* form.

Fill out the *Notice of Hearing* form. When you file the case, the Clerk's Office will give you a *Order Setting Minor Guardianship Petition Case Schedule*. The order will list your Ex Parte Department Hearing date. Use this date to complete the *Notice of Hearing about a Minor Guardianship Petition*.

Make copies of the *Notice of Hearing and Order Setting Minor Guardianship Petition Case Schedule* forms. You should make enough copies for each individual identified in Step 2.

Step 5: Have the other parties served.

The *Notice of Hearing Attachment* has two sections that identify all individuals who are entitled to notice either by personal service or other means. Section 1 of the Attachment lists parties who must be personally served:

- each parent
- any person with court-ordered custody or guardianship
- the child (if they are 12 or older)

You must serve these documents:

- *Notice of Hearing*
- *Summons*
- *Minor Guardianship Petition*
- *Reasons for Minor Guardianship* (do not serve on the child if the court signed your *Order on Motion to Withhold*)
- *Order Setting Minor Guardianship Petition Case Schedule*.

You must file proof of service with the court within 30 days of starting your case.

How to serve

Ask the above parties to sign a *Service Accepted* form, available [here](#). Keep copies for your records and file the signed forms with the Clerk's Office.

Step 6: Provide notice to other parties.

Who needs notice

Section 2 of the *Notice of Hearing Attachment* lists people who need notice:

- anyone who had custody of the child at least 60 days in the last two years
- the child's grandparents
- any adult siblings of the child
- the child's conservator
- the proposed guardian requested by either parent or the child.

What documents

You must provide them a copy of the following documents:

- *Notice of Hearing*
- *Summons*
- *Minor Guardianship Petition*
- *Reasons for Minor Guardianship* (do not serve on the child if the court signed your *Order on Motion to Withhold*)
- *Order Setting Minor Guardianship Petition Case Schedule.*

How to give notice

The documents must be provided either by mail, or some other way likely to provide notice (for example email, last known mailing address, social media contact, SMS text, hand delivery).

Once you have provided notice, complete the *Declaration of Service* form. Keep a copy for your own records and file the original with the Clerk's Office.

You may ask the court for permission to waive notice. See *How to Ask to Waive Notice in a Petition for Minor Guardianship* instruction.

Step 7: File Washington State Patrol Background checks.

Before your hearing, you are required to file a copy of a Washington State Patrol background check for the proposed guardian and all adult members of the guardian's household.

You can print these directly from the Washington State Patrol website here: <https://watch.wsp.wa.gov/Home/Notice?ReturnPage=%2FHome%2FIndex>.

To file these with the court, complete the *Criminal History Cover Sheet (GDN M 407)*, attach all reports and file with the Clerk's Office.

Step 8: Attend the Guardianship Training.

The proposed guardian must attend the mandatory lay guardian training within 60 days of the case being filed: *Washington State Courts - Guardian Portal*.

Step 9: Ask for a Court Visitor

See *How to Ask for a Court Visitor* instruction.

Step 10: Complete and File the 60 Day Checklist.

You are required to complete and file a 60 Day Checklist at least two weeks before your hearing. If you do not file the checklist or it is missing information, the court may set another hearing for you to complete the missing items.

Step 11: Give working copies to the Ex Parte Department.

At least one week before your hearing, you will need to provide the Ex Parte Department with working copies of the documents you filed. There are three ways to provide working copies:

1. Provide electronically

To provide your working copies electronically, you can use the Clerk’s Office website here. You will be required to pay a fee for this service.

2. Provide via email.

You can also email your working copies to scexparteorders@kingcounty.gov.

Ex Parte Department Working Papers Email
<ul style="list-style-type: none"> • The subject line of the email should read “Working Papers _____(DATE/TIME OF HEARING) - CASE NUMBER _____ (SEA/KNT).” • Include all parties in the email. • Attach a copy of all documents you have filed in the case.

3. Provide in person.

Working papers may be provided in person to the judges’ mailroom (C203) in Seattle or Room 2D in Kent) only if email is not an option for you. On the top righthand corner, write:

WORKING COPIES

Hearing: _____ [date of the hearing]

Ex Parte Department/Minor Guardianship

Submitted by: _____ [your name]

Step 12: Attend the Ex Parte Virtual Status Hearing.

All Ex Parte hearings are being conducted by video until further notice starting at 10:30 a.m. Check the Ex Parte department website at <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx> for the latest information on how the hearing will be conducted.

At this hearing, the commissioner will address issues regarding service, background checks, attorney appointment, court visitor appointment, and other issues to move the case forward.

If the petitioner or proposed guardian do not appear for this hearing, the case may be dismissed.

Step 13: Schedule your final hearing.

Do not schedule your hearing until the court visitor has filed their report to the court.

Fill out the *Notice of Hearing* form. Check the Calendar Availability Tool under the Ex Parte Calendar heading at <https://kingcounty.gov/courts/clerk/calendars.aspx>. Click on the drop-down menu to select “Probate/Guardianship” to see what dates are available. Choose a date that is at least 14 court days out.

Fill out the form with the date and email that document, along with these completed documents to SCEXPORTEORDERS@KINGCOUNTY.GOV:

Form Name	Form Number	Notes	Completed
Parent’s Consent to Minor Guardianship	GDN M 304	One for each legal parent; these forms also need to be filed with the Clerk’s Office.	<input type="checkbox"/>
Minor Guardianship Findings and Order	GDN M 105	Fill this out the way you would like the court to decide	<input type="checkbox"/>
Residential Schedule (if requested)	GDN M 104	Fill this out the way you would like the court to decide	<input type="checkbox"/>

If child support is requested, fill out these forms:

Form Name	Form Number	Notes	Completed

Child Support Worksheets	WSCSS-Worksheets	Online Child Support Calculation software is available at: https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator	<input type="checkbox"/>
Child Support Schedule & Instructions	Use this information to calculate Child Support Worksheets.		
Child Support Order	FL All Family 130	Fill this out the way that you would like the Commissioner to decide	<input type="checkbox"/>

Make copies of the *Notice of Hearing* form and all of the above documents. You should make enough copies for each individual identified in Step 2.

Step 14: Serve the parties.

As outlined in Step 5, you must personally serve these parties with your *Notice of Hearing* form:

- each parent
- any person with court-ordered custody or guardianship
- the child (if they are 12 or older)

Ask the above parties to sign a *Service Accepted* form, available [here](#). Keep a copy for your own records and file the original with the Clerk's Office.

Step 15: Provide notice to the other parties.

As outlined in Step 6, you must give these parties notice of your hearing:

- anyone who had custody of the child at least 60 days in the last two years
- the child's grandparents
- any adult siblings of the child
- the child's conservator
- the proposed guardian requested by either parent or the child.

The *Notice of Hearing* form must be provided either by mail, or some other way likely to provide notice (for example email, last known mailing address, social media contact, SMS text, hand delivery).

Once you have provided notice, complete the *Declaration of Service* form. Keep a copy for your own records and file the original with the Clerk's Office.

Step 16: File Acceptance of Appointment.

At least one week before your hearing date, file the completed form below with the Clerk's Office:

Form Name	Form Number	Notes	Completed
Acceptance of Appointment	GDN M 003	Fill this out the way you would like the court to decide	<input type="checkbox"/>

Step 17: Attend Your Hearing

All Ex Parte hearings are being conducted by video until further notice starting at 10:30 a.m. Check the Ex Parte department website at <https://www.kingcounty.gov/courts/superior-court/ex-parte-probate.aspx> for the latest information on how the hearing will be conducted.

The court will forward a copy of the signed orders to you after the hearing.

Fee Waiver Requests

At the hearing, if the court is approving your request for guardianship and you cannot afford to pay for copies of the Letters of Guardianship, ask the judge to waive the fees.

Step 18: Get Letters of Guardianship

If the court approves your request to become the guardian, you will need Letters of Guardianship to prove you can make decisions for the child.

Ask for copies of the Letters of Guardianship in person (room 2C in Kent and E-609 in Seattle), by mail, or online.

More information on how to get copies of court records is available at: <https://kingcounty.gov/courts/clerk/access-records/records.aspx>

Any questions about how to get your Letters of Guardianship should be directed to: (206) 296-9300 or clerksofficecustomerservice@kingcounty.gov.